REMARKS

Applicants thank the Examiner for taking the time to conduct an interview on Wednesday October 22, 2008. The Office Action mailed July 31, 2008 has been carefully considered. In this Office Action, Claims 1-16 were rejected and remain pending. Claims 17-24 were previously cancelled. In the filing of this response, Claims 1 and 9 have been amended and no new matter has been added with the filing of this response. Claims 2-8 and 10-16 depend on independent Claims 1 and 9. Claim 9 is the system version of the method of Claim 1. For the sake of brevity these rejections will be argued together.

In the Office Action, Claims 1-16 were rejected under 35 USC 103 as being unpatneable over Hartsell et al (2002/0065864) hereinafter Hartsell, in view of Carlson et al. (7,133,907), hereinafter Carlson. During the Examiner's interview Applicants clarified the invention with respect to the cited art. Applicants believe these differences are embodied in the claims, as amended. Per the Examiner's interview, Applicants believe that these amendments obviate the rejections cited in the Office Action and that Hartsell and Carlson can not server as a proper 35 USC 103 reference as Hartsell and Carlson do not satisfy the KSR test as promulgated by the Supreme Court.

In *Teleflex v. KSR,* the Supreme Court stated that a proper 35 USC 103 rejection requires the following steps be performed: (1) Determining the scope and content of the prior art; (2) Ascertaining the differences between the claimed invention and the prior art; and (3) Resolving the level of ordinary skill in the pertinent art. *Teleflex Inc. v. KSR Int'l Co.* 127 S.Ct. 1727, 1741,

82 USPQ.2d 1385, 1396 (2007). This three part test has also been reemphasized and promulgated in the Federal Register. *Federal Register*, Vol. 72, No. 195.

With respect to the first prong of KSR, Applicants first address the scope of Hartsell. Hartsell states he discloses "[m]ethods and systems for providing differentiated service that may be employed . . .to deliver content or services in a network environment." As well, Hartsel states that his "methods and systems may include or facilitate provisioning of system service parameters such as service level agreement ("SLA") policies and may be employed in network computing system environments to enable differentiated service provisioning . . . in accordance with business objectives." For example, Hartsell states "deterministic management of information may be implemented to extend network traffic management principles to achieve a true end-to-end quality experience . . . all the way to the stored content in a content delivery system environment."

With respect to the first prong of KSR, Applicants now address the scope of Carlson. Carlson states he provides "a method, system, and program for configuring multiple resources in a system." In the background of his invention he states"[i]n the current art, to add or modify the allocation of storage or other resources in a SAN, an administrator must separately utilize different software programs to configure the SAN resources to reflect the modification to the storage allocation." Carlson also states "for the above reasons, there is a need in the art for improved techniques for managing and configuring the allocation of resources in such a large network, such as a SAN." Carlson states that "the administrator may select from a drop down menu a predefined configuration service policy to use to configure the selected host, e.g., bronze,

silver, gold, platinum, etc." Applicants respectfully assert that Carlson configures "configuration parameters" "to configure the selected resource instances."

With respect to the second prong of KSR, the differences between the claimed invention and the prior art, Applicants respectfully assert that neither Carlson or Hartsell disclose, at least, "receiving . . . from a user interface, identifiers of one or more source data storage systems, . . . data storage systems comprise a plurality of components . . . components comprising a data storage device," "wherein the utilization or response time data comprises utilization or response time for at least one of the plurality of components," "receiving performance characteristics of work performed . . . the performance characteristics of work performed comprises performance characteristics of work performed for at least one of the plurality of components," "receiving, from the user interface, a number of boxes corresponding to components to be included in a target data storage system, wherein components of the target data storage system are selected in response to the utilization and response time data," and "determining and displaying a configuration of the selected components for the target data storage system based on the number of boxes selected and the performance characteristics." Applicants would respectfully assert that this is true as both Carlson and Hartsell pertain to "differentiated service" or "configuration service policy" while the claimed invention is directed towards "determining and displaying a configuration of the selected components for the target data storage system."

Addressing the third prong of KSR, Applicants further assert that one skilled in the relevant computer arts would not bridge the gap to arrive at the current invention. Therefore, Applicants respectfully assert that these references, in combination or in isolation, fail to satisfy the 35 USC 103 test as promulgated by the Supreme Court in KSR. As a result, Applicants assert

that this 35 USC 103 rejection is improper and respectfully request it be withdrawn and Claims 1 and 9 be placed in condition for allowance. Claims 2-8 and 10-16 depend on independent Claims 1 and 9. As Applicants believe that Claims 1 and 9 are now in condition for allowance, Applicants believe that dependant Claims 2-8 and 10-16 should be allowable for at least the same reasons. Based on the amended claims, Applicants respectfully request consideration, removal of the aforementioned rejections and that the claims be placed in condition for allowance.

Conclusion

In view of the foregoing, the Applicants believe that the application is in condition for allowance and respectfully request favorable reconsideration.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (508) 293-7450.

Please charge all fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

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